

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Pacific Gas and Electric Company for Approval of Modifications to its SmartMeter™ Program and Increased Revenue Requirements to Recover the Costs of the Modifications (U39M).

Application 11-03-014
(Filed March 24, 2011)

And Related Matters.

Application 11-03-015
Application 11-07-020

**DECISION GRANTING COMPENSATION TO THE UTILITY REFORM
NETWORK FOR SUBSTANTIAL CONTRIBUTION TO
DECISIONS 12-02-014 AND 14-12-078**

Claimant: The Utility Reform Network (TURN)	For contributions to D.12-02-014 and D.14-12-078
Claimed (\$): \$121,205.50	Awarded (\$): \$120,438.00 (reduced 0.6%)
Assigned Commissioner: Michael Picker	Assigned ALJ: Amy C. Yip-Kikugawa

PART I: PROCEDURAL ISSUES

A. Brief Description of Decision:	<p>D.12-02-014 authorized PG&E to implement a tariffed “opt-out” program for customers who choose to have an analog meter instead of a communicating interval meter. The decision adopted interim fees for the opt-out service and ordered a Phase 2 to address costs and cost allocation.</p> <p>D.14-12-078 adopted final fees for the opt-out service for all four utilities, limited payments of monthly fees for a term of three years, and authorized the use of bimonthly meter reading. The Decision adopted recorded cost ratemaking and balancing account treatment for revenues and revenue requirements.</p>
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B. Claimant must satisfy intervenor compensation requirements set forth in Public Utilities Code §§ 1801-1812:

	Claimant	CPUC Verified
Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):		
1. Date of Prehearing Conference:	May 6, 2011	Verified
2. Other Specified Date for NOI:		
3. Date NOI Filed:	June 6, 2011	Verified
4. Was the NOI timely filed?		Yes
Showing of customer or customer-related status (§ 1802(b)):		
5. Based on ALJ ruling issued in proceeding number:		P.10-08-016
6. Date of ALJ ruling:		11/22/2010
7. Based on another CPUC determination (specify):	See Note Below.	
8. Has the Claimant demonstrated customer or customer-related status?		Yes
Showing of “significant financial hardship” (§ 1802(g)):		
9. Based on ALJ ruling issued in proceeding number:		P.10-08-016
10. Date of ALJ ruling:		11/22/2010
11. Based on another CPUC determination (specify):	See note below.	
12. Has the Claimant demonstrated significant financial hardship?		Yes
Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision:	D.14-12-078	Verified
14. Date of Issuance of Final Order or Decision:	12/23/2014	Verified
15. File date of compensation request:	02/19/2015	Verified
16. Was the request for compensation timely?		Yes

C. Additional Comments on Part I:

#	Intervenor’s Comment(s)	CPUC Discussion
5, 9	TURN timely filed an NOI on July 6, 2011. Since the ALJ did not issue an eligibility ruling on the NOI, TURN hereby requests that the Commission, based on the information submitted in the NOI, issue a finding in the decision on this compensation request that TURN is a customer,	The Commission accepts Turn’s assertion.

	has met the requirements for significant financial hardship and is eligible for compensation in this proceeding. TURN is a Category 3 customer and had received a finding of significant hardship on 11/22/2010 in P.10-08-016, issued within one year of the filing of this application.	
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PART II: SUBSTANTIAL CONTRIBUTION

A. In the fields below, describe in a concise manner Claimant's contribution to the final decision (*see* § 1802(i), § 1803(a) & D.98-04-059).

Intervenor's Claimed Contributions to D.12-02-014	Specific References to Intervenor's Claimed Contribution(s)	CPUC DISCUSSION
<p>Analog Option:</p> <p>The PD provided a "radio-off" option. In comments on the PD, TURN recommended allowing an analog meter option, despite its inability to offer time-variant pricing.</p> <p>In response to the comments of TURN and several other intervenors, the Commission modified the proposed decision and adopted an analog meter opt-out service.</p>	<p>TURN Comments on PD, December 12, 2011, p. 5-7.</p> <p>D.12-01-014, p. 18-20.</p>	Yes.
<p>Level of Fees:</p> <p>The Proposed Decision set fees based on PG&E's data. TURN argued that the PD committed factual errors in classifying costs, and legal error by adopting fees without adequate review of the data.</p> <p>The Commission reduced the proposed fees and agreed that additional review of cost data was necessary. The Commission modified the PD to open a second phase to review cost and cost allocation issues in detail.</p>	<p>TURN Comments on PD, December 12, 2011, pp. 14-17, 24-26.</p> <p>D.12-02-014, pp. 31-32, 36 and Conclusion of Law 13 ("Based on these comments, and our determination to adopt an analog meter opt-out option, further consideration of the fees and charges to be assessed on customers electing the opt-out option should be included in the second phase of this proceeding.")</p>	Yes.

<p>Cost Allocation:</p> <p>The proposed decision authorized socializing all net costs. TURN argued that such treatment was erroneous, and that customer-specific variable costs should be charged to participants.</p> <p>The Commission modified the proposed decision and deferred the question of cost allocation to Phase 2.</p>	<p>TURN Comments on PD, December 12, 2011, pp. 10-17, 24-25.</p> <p>D.12-02-014, p. 30 and Conclusion of Law 16.</p>	Yes.
<p>Shareholder Contribution:</p> <p>The proposed decision rejected any shareholder contribution to the opt-out program. TURN argued that PG&E shareholders should bear some portion of the costs.</p> <p>The Commission modified the proposed decision to include the potential of shareholder contributions in the cost allocation phase.</p>	<p>TURN Comments on PD, December 12, 2011, p. 17-19.</p> <p>D.12-02-014, p. 30, fn. 54;</p>	Yes.
Intervenor's Claimed Contributions to D.14-12-078	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
<p>Level of Fees:</p> <p>The three utilities all proposed fees above the current interim fees. TURN proposed fees that were somewhat lower than the current interim fees, based on an analysis of costs and policy considerations concerning cost socialization. TURN opposed both the utilities' proposals to increase fees, and also the numerous intervenors who argued for no fees from participants.</p> <p>The Commission adopted TURN's policy position of allocating costs to participants, and set the fees at the same level</p>	<p>TURN Opening Brief, January 11, 2013, pp. 2-4, 8-11.</p> <p>D.14-12-078, p. 3.</p>	Yes.

as interim fees in order to mitigate bill impacts.		
<p>Ratemaking – Recorded Cost Ratemaking</p> <p>TURN supported one-way balancing account treatment of actual costs, primarily due to the uncertainty in participation levels. The Proposed Decision adopted forecast cost ratemaking. TURN explained that the PD did not accomplish the goal of protecting ratepayers against the risk of participation uncertainty.</p> <p>The Commission revised the PD to adopt balancing account treatment so as to ensure collection of actual costs, with a cap on the total costs.</p>	<p>TURN Reply Brief, January 25, 2013, p. 8-9.</p> <p>TURN Comments on PD, November 18, 2014, p. 2-4.</p> <p>D.14-12-078, p. 2-3, 46-49, 70 (“Using a balancing account treatment will protect ratepayers against a similar overestimation of uptake and revenue requirements.”)</p>	Yes.
<p>PG&E Costs – UTC Meters</p> <p>TURN argued that the costs of site visits to “unable to complete” customers was covered in the Smart Meter cost authorization and should not be included in the opt-out cost forecast. TURN originally recommended a reduction of \$11.45 million in forecast costs, but revised that number based on PG&E’s rebuttal testimony to a reduction of \$7.36 million.</p> <p>The Commission fully adopted TURN’s argument, and also agreed with TURN’s calculations concerning the proper disallowance level.</p>	<p>Nahigian Testimony, October 5, 2012, p. 8-12.</p> <p>TURN Opening Brief, January 11, 2013, Sec. 3.2.4, p. 17-20.</p> <p>TURN Reply Brief, January 25, 2013, p. 1-3.</p> <p>TURN Reply Comments on PD, November 24, 2014, p. 1-4.</p> <p>D.14-12-078, p. 15-16 (“With respect to the UTC customer visits, the question is whether PG&E would have incurred the Wellington costs relating to UTC smart meter installations even in the absence of an opt-out program. The answer is yes.”)</p> <p>D.14-12-078, p. 69-70 (“We agree with TURN and revise the disallowance from \$11 million to \$7.36 million.”)</p>	Yes.
PG&E Costs – Handhelds		Yes.

<p>TURN submitted analysis showing that PG&E's forecast of handheld meter reading devices was excessive.</p> <p>The Commission agreed, resulting in a cost disallowance of about \$0.40 million.</p>	<p>Nahigian Testimony, October 5, 2012, p. 16-19. TURN Reply Brief, January 31, 2013, Sec. 2.4, p. 4-6.</p> <p>D.14-12-078, p. 18 ("Therefore, we agree with TURN and DRA that the meter reader device purchase costs should be partially disallowed, and will allow recovery in this proceeding for the cost of only 200 units (one for each meter reader, and a few spares), not 340.")</p>	
<p>Cost Allocation</p> <p>TURN advocated that most of the costs should be borne by participants, aside from certain fixed costs. However, TURN acknowledged that some socialization would be appropriate to reduce fees for service due to the health and safety issues associated with smart meters.</p> <p>The Commission agreed that most costs should be allocated to participants, but capped fees at current levels and limited monthly fee payments to three years. The Commission did authorize the IOUs to propose future fee adjustments in case of over- or under-collections.</p>	<p>Nahigian Testimony, October 5, 2012, p. 25-26. TURN Opening Brief, January 11, 2013, Sec. 2.3, p. 8-11.</p> <p>D.14-12-078, p. 3 "We generally allocate opt-out service costs ... to residential opt-out customers."</p> <p>D.14-12-078, p. 40 ("However, should a utility determine that there is a need to adjust the opt-out charge or monthly fees to account for over- or under-collections, it may submit a proposal to do so as part of its GRC application filing.")</p>	Yes.
<p>Costs – Meter Reading</p> <p>TURN recommended reducing actual meter reading costs by requiring only bi-monthly or quarterly meter reading, rather than monthly meter reading.</p> <p>The Commission modified the</p>	<p>TURN Opening Brief, January 11, 2013, p. 24-28. TURN Comments on PD, November 18, 2014, p. 4-5.</p> <p>D.14-12-078, pp. 50-51, 69 ("Based on the above, we adopt TURN's recommendation</p>	Yes.

proposed decisions and adopted TURN's recommendation.	that the utilities modify their opt-out procedures to allow for bi-monthly (very two months) meter reading of the opt-out customers' meters with estimated bills for the interim period.")	
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B. Duplication of Effort (§§ 1801.3(f) & 1802.5):

	Intervenor's Assertion	CPUC Verified
a. Was the Division of Ratepayer Advocates (DRA) a party to the proceeding?	Yes. While ORA was a party to the proceeding, ORA generally addressed different cost issues related to the utility forecast revenue requirements.	Verified
b. Were there other parties to the proceeding with positions similar to yours?	There were multiple intervenors, in addition to ORA, who participated in this proceeding. However, except for Aglet, none of the other intervenors addressed details concerning cost forecasts or cost recovery mechanisms. Moreover, most of the intervenors supporting an opt-out service proposed full socialization of all costs and were opposed to any fee for participants.	Verified
c. If so, provide name of other parties: Aglet Consumer Alliance; Center for Electrosmog Prevention; Ecological Action Network; EMF Safety Network; Town of Fairfax; Center for Accessible Technology; and various other intervenors as indicated on the Service List.		Verified
d. Intervenor's claim of non-duplication: TURN's compensation in this proceeding should not be reduced for duplication of the showings of other parties. In a proceeding involving multiple participants, it is virtually impossible for TURN to completely avoid		Verified

<p>some duplication of the work of other parties. In this case, TURN took all reasonable steps to keep such duplication to a minimum, and to ensure that when it did happen, our work served to complement and assist the showings of the other parties. TURN participated in several coordination meetings with other parties, as indicated by the activity code “coord” in the daily time sheets.</p> <p>In this proceeding, while there were a number of intervenors addressing policy and cost allocation, only TURN and ORA specifically addressed utility cost estimates. TURN coordinated with ORA, and as is apparent from a review of Section 4 of D.14-12-078, TURN and ORA generally addressed different cost issues; and even when addressing the same issue (for example, hand held meter reading devices), TURN offered additional analysis or argument to support the recommendations of the ORA. TURN also coordinated with Aglet concerning ratemaking and cost allocation issues.</p> <p>Similarly, TURN did not at all address the issues of community opt-out and applicability of the ADA due to our understanding that other parties with somewhat similar interests planned to address these issues.</p> <p>Any incidental duplication that may have occurred here was more than offset by TURN’s unique contribution to the proceeding. Under these circumstances, no reduction to our compensation due to duplication is warranted given the standard adopted by the Commission in D.03-03-031.</p>	
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C. Additional Comments on Part II:

#	Intervenor’s Comment	CPUC Discussion
II.A. Overall	<p>Partial Contribution:</p> <p>Though TURN did not prevail in having all of its specific recommendations concerning costs, cost allocation or fee levels adopted by the Commission, TURN suggests that the breadth of our contributions warrants compensation for all hours and expenses in this proceeding.</p>	Verified

	<p>The Commission has interpreted the Section 1802 definition of substantial contribution, in conjunction with Section 1801.3, so as to effectuate the legislature’s intent to encourage effective and efficient intervenor participation. The statutory provision of “in whole or in part,” as interpreted by multiple Commission decisions on intervenor compensation requests, has established as a general proposition that when a party makes a substantial contribution in a multi-issue proceeding, it is entitled to compensation for time and expenses even if it does not prevail on some of the issues. See, for example, D.98-04-028 (awarding TURN full compensation in CTC proceeding, even though TURN did not prevail on all issues); D.98-08-016, pp. 6, 12 (awarding TURN full compensation in SoCalGas PBR proceeding); D.00-02-008, pp. 4-7, 10 (awarding TURN full compensation even though we unsuccessfully opposed settlement).</p> <p>The standard for an award of intervenor compensation is whether TURN made a substantial contribution to the Commission’s decision, not whether TURN prevailed on a particular issue. For example, the Commission recognized that it “may benefit from an intervenor’s participation even where the Commission did not adopt any of the intervenor’s positions or recommendations.” See, D.08-04-004, pp. 5-6. See, also, D.09-04-027, p. 4; D.10-06-046, p. 5.</p> <p>The Commission should compensate TURN for all work in this proceeding, despite the fact that the Commission adopted some positions that reflected a compromise between TURN’s recommendations and the positions of the IOUs or other intervenors (for example, limiting fees for a term of three years), and rejected a few of TURN’s arguments (for example, SCE hand held meter costs).</p>	
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PART III: REASONABLENESS OF REQUESTED COMPENSATION

A. General Claim of Reasonableness (§§ 1801 & 1806):

a. Intervenor’s Claim of Cost Reasonableness.	CPUC Discussion
TURN’s analyses concerning PG&E’s cost forecasts resulted in a decreased cost authorization of approximately \$8 million. Given that the Commission adopted a cost cap, this reduction is a potential direct saving to PG&E’s residential customers, depending on eventual balancing account totals.	Verified

<p>TURN's arguments also contributed to a fair allocation of most of the costs of the opt-out program to participants through a monthly fee, but the Commission did not adopt a fee as high as requested by the utilities and terminated the monthly payments after three years.</p>	
<p>b. Reasonableness of Hours Claimed.</p> <p><u>Consultant Hours:</u></p> <p>Mr. Jeffrey Nahigian performed expert witness review of the forecast costs, revenue requirements and ratemaking for the PG&E and SCE applications. Mr. Nahigian's expert review and testimony in both phase 1 and 2 formed the basis for TURN's cost recommendations and was the primary reason for over \$10 million in cost reductions.</p> <p>Jeffrey Nahigian, a Senior Economist, has over 20 years experience analyzing utility operations and rate design issues.</p> <p>Mr. Nahigian has testified in three CEC Electricity Reports on conservation policy and technical issues, nuclear plant performance, forecasts of future Qualifying Facility (QF) projects, municipal utility demand conformance, and the economics of returning mothballed fossil plants to service. He has filed testimony and formal comments at the California Public Utilities Commission on electric and gas cost of service and rate design, line extension issues, energy efficiency load adjustments in Performance-Based Ratemaking, utility distribution capital spending, water rates for mobilehome parks, and SDG&E's fuel budget. He was also a witness before the Los Angeles County Superior Court on electric rates for mobilehome parks and before the Alberta Energy and Utilities Board on line extension policy for industrial customers.</p> <p>Mr. Nahigian]received a B.S. in Environmental Policy Analysis and Planning from the University of California, Davis, in 1986.</p> <p>Mr. Nahigian was uniquely qualified to review costs associated with the AMI Opt-out programs in an efficient manner. Not only does Mr. Nahigian have extensive experience reviewing utility cost forecasts, but also he had reviewed the original forecasts of costs for the utilities' advanced metering infrastructure applications. Moreover, Mr. Nahigian has previously reviewed and testified concerning utility cost forecasts for meter reading in cost of service rate cases.</p> <p>In this proceeding, Mr. Nahigian devoted approximately 268 hours of expert witness time. In Phase 1 of the application, Mr. Nahigian closely reviewed PG&E's cost forecasts and assisted extensively in written comments on those forecasts, as reflected in</p>	<p>Verified</p>

the Phase 1 proposed decision. In Phase 2 of the consolidated applications, Mr. Nahigian reviewed the cost estimates of all three electric utilities. He conducted discovery and wrote testimony, primarily addressing the cost forecasts of PG&E and SCE. Mr. Nahigian appeared at hearings for cross examination and assisted with the writing of pleadings addressing cost forecasts and cost recovery.

TURN submits that 268 hours is a reasonable amount given the need to review testimonies of two utility applicants and analyze their cost forecasts. Mr. Nahigian's testimony provided independent recommendations and analyses to those of the ORA. His work resulted in potential ratepayers savings of over \$8 million.

Attorney Hours:

TURN requests compensation for approximately 168 hours of attorney time, of which the majority (154 hours) is for work performed by Marcel Hawiger. Mr. Hawiger has been a Staff Attorney with TURN since 1998. He has extensive experience litigating utility cost of service, cost allocation and rate design applications. Mr. Hawiger has been TURN's lead attorney in numerous proceedings addressing procurement, demand-side management, and smart grid policy issues. Of special relevance to this application, Mr. Hawiger was TURN's lead attorney in PG&E's original AMI application 05-06-028.

TURN submits that approximately four weeks of attorney time was a reasonable and efficient allocation of resources, and TURN requests compensation for all hours listed in this request. The AMI Opt-out proceeding involved four utilities and numerous stakeholders. From an attorney perspective, the applications required extensive review of both utility testimonies and pleadings, as well as the pleadings of the various stakeholders promoting a free opt-out service. Since TURN was not aligned with other stakeholders on the underlying issue of cost allocation between participants and non-participants, TURN had to devote significant attorney resources to reading and replying to the arguments raised by other intervenors.

c. Allocation of Hours by Issue

TURN uses a combination of activity and issue codes when itemizing the hourly work performed by attorneys and consultants. The main activity codes used for time accounting in this proceeding include the following:

Code	Description of Code	Attn Hours	Consultant Hours
CA	Cost Allocation/Socialization	3.50	0.00

Verified

Costs	Evaluation of cost of service for PG&E, SCE and/or SDG&E	3.25	165.50
GP	General unallocable work	39.25	11.25
OOM	Opt-out method	2.50	0.00
PD	Review of Proposed Decision	35.00	26.75
#	Work on multiple issues	44.75	33.25
AL	Work re implementation advice letters	1.50	3.00
GH	General Hearings (including PHC, evidentiary hearings)	29.25	0.00
Disc	Discovery issues	6.00	0.00
Coord	Coordination with ORA and intervenors	7.25	0.00
Subtotal		172.25	239.75

Much of the daily work in this proceeding spanned multiple issues and could not be separately coded by issue. TURN generally used the activity code “#” to denote work that covers multiple issues and cannot be easily allocated to specific issues. For example, reading the pleadings of other parties might include covering multiple topics such as the method of opt-out, the appropriate level of fees for participants, and/or appropriate cost allocation. Reading utility testimonies may have included topics such as forecast costs, cost recovery and cost allocation.

Some work is fundamental to active participation in a Commission proceeding, and may not be allocable by issue and/or the amount of time required may not vary by the number of issues. Examples of these tasks include reviewing other parties’ testimony and filings, reviewing the proposed and any alternate decision; attending prehearing conferences and ex parte meetings; and preparing compensation filings. TURN uses the activity code “GP” to represent such general participation time that is not allocable by issue.

The activity codes in this proceeding do not provide an accurate estimate of work time by issue. This result is due to two main factors. First, a large number of hours were coded “GP” and “#” due to the significant amount of work reviewing third party pleadings and working on multiple issues. Second, all issues in Phase 1 were resolved in a proposed decision without testimony or briefs; thus, work coded “PD” in the first phase encompassed several cost forecast, cost allocation and fee issues.

Based on a review of the actual daily time sheets, a review of TURN's testimony and pleadings, and personal recollection by the attorney of record, TURN provides the following approximate allocation of time by the major issues addressed by TURN in this proceeding:

Issue	Description of Issue	% of Attn Time	% of Consultant Time
CA	Allocation of Costs between participants, non-participants and shareholders	25%	
CR	Balancing account; ratemaking; cost recovery	20%	25%
Fees	Proper Fee Structure for participants	10%	5%
Costs	Forecast costs for revenue requirements	30%	70%
Policy	Opt-out method; Bimonthly metering	10%	
Other	Other issues	5%	

As TURN described in the opening section of this compensation request, our substantial contribution to the Commission's decision was of such magnitude and so wide ranging that it warrants an award of full compensation. However, should the Commission determine that a reduction is called for on any particular issue, it should determine the appropriate reduction to the hours that fall into that category and, if necessary, apply an appropriate percentage reduction to the hours designated "#."

B. Specific Claim*:

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hour s	Rate	Basis for Rate*	Total \$	Hour s	Rate	Total \$
Marcel Hawiger	2011	59.25	\$350	D12-05-034, p. 10.	\$20,737.50	59.2 5	\$350.00 ¹	\$20,737.50
Marcel Hawiger	2012	55.00	\$375	D.13-08-022, p. 33	\$20,625.00	55.0 0	\$375.00 ²	\$20,625

¹ Approved in D.11-09-037.

² Approved in D.13-12-028.

Marcel Hawiger	2013	33.00	\$400	D.14-05-015, p. 28	\$13,200.00	33.00	\$400.00 ³	\$13,200
Marcel Hawiger	2014	7.25	\$410	Resolution ALJ-303 (2.56% COLA)	\$2,972.50	7.25	\$410.00 ⁴	\$2,972.50
Robert Finkelstein	2011	1.75	\$470	D.12-03-024, p. 13.	\$822.50	1.75	\$480.00 ⁵	\$840.00
Thomas Long	2012	0.50	\$530	D.13-10-065, p. 6	\$265.00	0.50	\$530.00 ⁶	\$265.00
Nina Suetake	2012	11.50	\$295	D.12-05-033, p. 8.	\$3,392.50	11.50	\$315.00 ⁷	\$3,622.50
Marybelle Ang	2011	10.75	\$280	D.13-08-022	\$3,010.00	10.75	\$280.00 ⁸	\$3,010.00
Jeff Nahigian	2011	16.50	\$195	D.13-08-022	\$3,217.50	16.50	\$195.00 ⁹	\$3,217.50
Jeff Nahigian	2012	206.75	\$200	D.13-08-022	\$41,350.00	202.25 ^[A]	\$200.00 ¹⁰	\$40,450.00
Jeff Nahigian	2013 (through 2/28/13)	28.25	\$200	D.14-05-015	\$5,650.00	28.25	\$200.00 ¹¹	\$5,650.00
Jeff Nahigian	2013	3.00	\$205	D.14-05-015	\$615.00	3.0	\$205.00 ¹²	\$615.00
Jeff Nahigian	2014	13.75	\$205	D.14-05-015	\$2,818.75	13.75	\$205.00 ¹³	\$2,818.75
Subtotal:					\$118,676.25	Subtotal: \$118,023.75		

³ Approved in D. 14-11-019.

⁴ Approved in D. 15-06-021.

⁵ Approved in D. 14-07-021.

⁶ Approved in D. 13-11-022.

⁷ Approved in D. 13-12-028.

⁸ Approved in D. 11-08-013.

⁹ Approved in D. 13-09-021.

¹⁰ Approved in D. 14-08-022.

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate	Basis for Rate*	Total \$	Hour s	Rate	Total \$
Marcel Hawiger	2011	0.25	\$175	D12-05-034, p. 10.	\$43.75	0.25	\$175.00	\$43.75
Marcel Hawiger	2012	0.25	187.5	D.13-08-022, p. 33	\$46.88	0.25	\$187.50	\$46.8
Marcel Hawiger	2015	10	205	Resolution ALJ-303 (2.56% COLA) See Note Below.	\$2,050.00	10	\$205.00	\$2,050.00
	Subtotal:				\$2,140.63	Subtotal:		\$2,140.63
COSTS								
#	Item	Detail			Amount		Amount	
	Travel	Mileage and tolls for consultant travel			\$115.00		\$0.00	
	Lexis Research	Research Legal Issues using Lexis			\$143.64		\$143.64	
	Copying	Xeroxing pleadings for ALJ and/or parties w/o email			\$55.17		\$55.17	
	Postage				\$21.81		\$21.81	
	Phone	Long distance calls with parties, consultants, etc.			\$53.00		\$53.00	
Subtotal:					\$388.62	Subtotal:		\$273.62
TOTAL REQUEST \$:					\$121,205.50	TOTAL AWARD:		\$120,438.00
<div>**We remind all intervenors that Commission staff may audit their records related to the award and that intervenors must make and retain adequate accounting and other documentation to support all claims for intervenor compensation. Intervenors’s records should identify specific issues for which it seeks compensation, the actual time spent by each employee or consultant, the applicable hourly rates, fees paid to consultants and any other costs for which compensation was claimed. The records pertaining to an award of compensation shall be retained for at least three years from the date of the final decision making the award.</div> <div>**Travel and Reasonable Claim preparation time typically compensated at ½ of preparer’s normal hourly rate</div>								
Attorney		Date Admitted to CA BAR ¹⁴			Member Number		Actions Affecting Eligibility (Yes/No?) If “Yes”, attach explanation	
Marcel Hawiger		1/23/1998			194244		N	
Thomas Long		12/11/1986			124776		N	
Robert Finkelstein		6/13/1990			146391		N	
Nina Suetake		12/14/2004			234769		N	
Marybelle Ang		09/18/2009			264333		N	

¹⁴ This information may be obtained at: <http://www.calbar.ca.gov>.

C. Attachments Documenting Specific Claim and Comments on Part III:

Attachment or Comment #	Description/Comment
1	Certificate of Service – Attachment #1.
2	Direct Costs: A detailed listing of direct costs is included as Attachment #2.
3	A daily listing of the specific tasks performed by all attorneys and expert witnesses in connection with this proceeding is included as Attachment #3. TURN's attorneys maintained detailed contemporaneous time records indicating the number of hours devoted to work on this case. In preparing this appendix, Mr. Hawiger reviewed all of the recorded hours devoted to this proceeding and included only those that were reasonable for the underlying task.
III.B.	<p>Hourly Rates:</p> <p>All hourly rates, except an hourly rate for Hawiger for 2015 (see below), have either been previously authorized, or have been escalated by the appropriate COLA adjustment pursuant to adopted Commission resolutions.</p> <p>Consultant Rates:</p> <p>TURN requests compensation for consultant rates based on the actual rates charged to TURN. JBS Energy, Inc. changed the 2013 hourly rate for Mr. Nahigian starting on March 1, 2013. Thus, TURN has separated Mr. Nahigian's 2013 work into two line items depending on the actual rate charged.</p> <p>Hawiger Hourly Rate for 2015:</p> <p>TURN has used the 2014 hourly rate for Mr. Hawiger for the limited number of hours in 2015 devoted to the compensation claim. TURN is not requesting here that the Commission establish an hourly rate of \$410 for Mr. Hawiger's work in 2015. At the time this request for compensation was submitted, the Commission had not yet determined the general "cost-of-living" adjustment for 2015. Therefore, TURN is using the \$410 hourly rate as a placeholder for whatever rate results from application of any general adjustment the Commission may adopt for 2015 to the requested rate of \$410 for work Mr. Hawiger performed in 2014.</p>

D. CPUC Disallowances and Comments:

#	Reason
A	Reduction for non-compensable travel time.

PART IV: OPPOSITIONS AND COMMENTS

A. Opposition: Did any party oppose the Claim?	No
B. Comment Period: Was the 30-day comment period waived (<i>see</i> Rule 14.6(2)(6))?	Yes

FINDINGS OF FACT

1. TURN has made a substantial contribution to D.12-02-014 and D.14-12-078.
2. The requested hourly rates for TURN's representatives, as adjusted herein, are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services.
3. The claimed costs and expenses, as adjusted herein, are reasonable and commensurate with the work performed.
4. The total of reasonable compensation is \$120,438.00

CONCLUSION OF LAW

1. The Claim, with any adjustment set forth above, satisfies all requirements of Pub. Util. Code §§ 1801-1812.

ORDER

1. The Utility Reform Network shall be awarded \$120,438.00.
2. Within 30 days of the effective date of this decision, Pacific Gas and Electric Company, San Diego Gas & Electric Company, Southern California Gas Company, and Southern California Edison Company shall pay The Utility Reform Network their respective shares of the award, based on their California-jurisdictional electric revenues for the 2012 calendar year, to reflect the year in which the proceeding was primarily litigated. Payment of the award shall include interest at the rate earned on prime, three-month commercial paper as reported in Federal Reserve Statistical Release H.15, beginning May 05, 2015, the 75th day after the filing of The Utility Reform Network's request, and continuing until full payment is made.
3. The comment period for today's decision is waived.

This decision is effective today.

Dated _____, at San Francisco, California.

APPENDIX**Compensation Decision Summary Information**

Compensation Decision:		Modifies Decision?	No
Contribution Decision(s):	D1202014; D1412078		
Proceeding(s):	A1103014; A1103015; A1107020		
Author:	ALJ Yip-Kikugawa		
Payer(s):	Pacific Gas and Electric Company, San Diego Gas & Electric Company, Southern California Edison Company, and Southern California Gas Company		

Intervenor Information

Intervenor	Claim Date	Amount Requested	Amount Awarded	Multiplier?	Reason Change/Disallowance
The Utility Reform Network (TURN)	02/19/15	\$121,205.50	\$120,438.00	N/A	Reduction for inappropriate travel hours and costs

Advocate Information

First Name	Last Name	Type	Intervenor	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Marcel	Hawiger	Attorney	TURN	\$350.00	2011	\$350.00
Marcel	Hawiger	Attorney	TURN	\$375.00	2012	\$375.00
Marcel	Hawiger	Attorney	TURN	\$400.00	2013	\$400.00
Marcel	Hawiger	Attorney	TURN	\$410.00	2014	\$410.00
Marcel	Hawiger	Attorney	TURN	\$410.00	2015	\$410.00
Robert	Finkelstein	Attorney	TURN	\$470.00	2011	\$480.00
Thomas	Long	Attorney	TURN	\$530.00	2012	\$530.00
Nina	Suetake	Attorney	TURN	\$295.00	2012	\$315.00
Marybelle	Ang	Attorney	TURN	\$280.00	2011	\$280.00
Jeff	Nahigian	Expert	TURN	\$195.00	2011	\$195.00
Jeff	Nahigian	Expert	TURN	\$200.00	2012	\$200.00
Jeff	Nahigian	Expert	TURN	\$200.00	2013	\$205.00
Jeff	Nahigian	Expert	TURN	\$205.00	2014	\$205.00

(END OF APPENDIX)